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DEPARTMENT OF THE ARMY
TULSA DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 61
TULSA, OKLAHOMA 74121

8 October 1980

Mr. Leon Barish
Attorney General's Office
PO Box 12548
Austin, TX 78711

Dear Mr. Barish:

This letter is in response to your letter of 22 September 1980, State Abstract Nos. 328 (T-2-1 and T-2-2) and 631 (T-2-1, T-2-2 and T-2-4). Copies of these abstracts (previously furnished) are true and accurate reproductions of the originals maintained by the Corps of Engineers.

Ms. Carolyn Walker is no longer with this office. In the future, correspondence should be addressed to: DA, Tulsa District, Corps of Engineers, PO Box 61, ATTN: Office Management Branch, OAS, Tulsa, OK 74121.

Sincerely,

/s/

VICTOR M. BOWMAN
Assistant Chief, OAS

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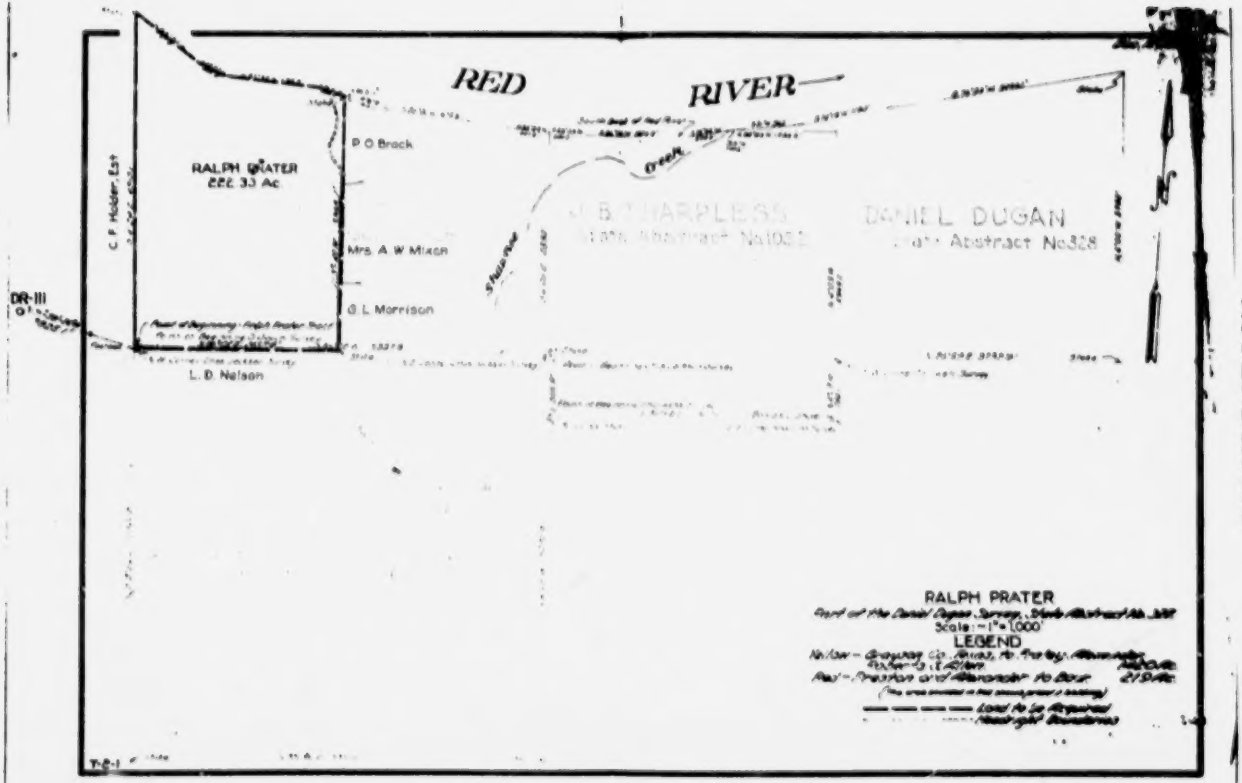
APPENDIX A-1


RED
RIVER
RALPH PRATER
222.33 Ac.
P.O. Brock
Mrs. A.W. Mixer
G.L. Morrison
L.D. Nelson
C.F. Hosier Est
DR-III
J.B. HARPLESS
DANIEL DUGAN
RALPH PRATER
Scale - 1" = 1,000'
LEGEND

APPENDIX B-1

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	*	
	*	
VS	*	NO. 28 Civil
	*	
993 Acres of land in Grayson County, Texas, and Ralph Prater. et al.	*	

Whereas, on/the (sic) 1st day of July 1940, judgment was entered in the above entitled and numbered cause confirming and making final the award of the special commissioners as to Tract No. T-2-1, Ralph Prater et al. 222.33 acres of land, the award of the said special commissioners being filed herein on the 19th day of June 1940.

And it appearing to the court that the proceedings had herein were in all respects regular and in conformity with the law, and that the United States of America has complied with said judgment of the court, entered on the 1st day of July 1940, by depositing in the Registry of the Court the sum of $7,477.16 the amount aggregating the total amount of said award and interest as decreed in said judgment; and the United States of America having made motion herein that final judgment be entered vesting the entire and unencumbered fee simple title to the tract of land hereinafter described in the United States of America.

It is therefore, ordered, adjudged, and decreed by the court that the entire and unencumbered fee simple title to the hereinafter described tract of land be vested in the United States of America and be divested out of the defendants Ralph Prater, Alberta J. Prater, and the Magnolia Petroleum Company, and all other parties

defendants herein, said lands being described as follows:

All that certain tract or parcel of land lying and being in Grayson County, Texas situated on the waters of Red River, embracing in part the following patented survey; Daniel Dugan, Abstact No. 328, dated January 9, 1840.

All bearings in this description are turned from the true meridian and all distances are expressed in feet.

BEGINNING at the original S.W. corner of the Daniel Dugan Survey, same being a common corner to the Charles Jackson, Joseph Jewell, Jesse Myers Surveys, an old Post Oak Stump in public road (old witness trees gone) Dr. Monument No. 111 bears N. 76° 59'20" W. 7825.1 feet.

THENCE N. 86 °02' E. with the division line between the property of Ralph Prater and L.D. Nelson 2657.4 feet to a stake in public road, same being the N. E. corner of the L. D. Nelson tract, and the S. E. corner of this tract.

THENCE N.3°49'W. with the division line between the property of Ralph Prater, G. L. Morrison, Mrs. A. W. Mixson and P. O. Brack, 3266.1 feet to a stake on the south bank of Red River, same being the N. W. corner of the P. O. Brack tract, and the N. E. corner of this tract.

THENCE up the south bank of Red River, with its meanders; N. 76°01' W. 394.5 feet; N. 87°34' W. 1198.9 feet; N. 68°27' W. 362.2 feet; N. 55°54' W. 1030.8 feet to a stake, same being the N. E. corner of the C. F. Holder tract and the N. W. corner of this tract.

THENCE S. 4-°29' E with the west boundary line of the Daniel Dugan Survey common to the east boundary line of the Joseph Jewell Survey 4313.1 feet to the place of beginning, containing 222.33 acres, be the same more or less.

This the 7th day of September 1940.

A true copy I certify
Lee Simons Clerk.
(signed)Randolph Bryant By Catherine W. Gray
Deputy Seal (SEAL)

United States District
Judge.

Filed Sept. 7, 1940, Lee Simmons, Clerk U.S. Courts, by Catherine W. Gray, Deputy, Civil Order Book Vol. A, page 148

Filed for record Sept. 11, 1940 at 9'A.M.
Recorded September 16, 1940.

C. H. BARRETT, County

C. H. BARRETT, County
Clerk.

BY *Mary Emma Rheay* Deputy.

THE STATE OF TEXAS Paul E. Lee, County Clerk,
COUNTY OF GRAYSON Grayson County

Texas, do hereby certify that the within and foregoing is a true and correct copy of Certified copy of Condemnation Case No. 28 Civil as the same appears of record in Volume 417 Page 23 if the Deed Records of Grayson County, Texas.

Witness my hand and seal of office at Sherman, Texas, this the 29th day of August 1980.

Paul E. Lee, County Clerk,
Grayson, County, Texas
By *Suzanne Austin*
Deputy

APPENDIX B-2

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS:	§	No. 28 CIVIL
	§	
993 ACRES OF LAND IN GRAYSON COUNTY, TEXAS, AND RALPH PRATER, ET AL	§	

Whereas, on the 19th day of September, 1940, judgment was entered in the above entitled and numbered cause as to Tract No. T-2-4, Mrs. A. W. Mixson, et al., 108.49 acres of land in Grayson County, Texas, said judgment providing that the United States of America, petitioner herein, deposit in the Registry of this Court the sum of $3,000.00 with interest at the rate of 6% per annum on said amount from July 17, 1939 to the date said funds are deposited.

And it appearing to the Court that the United States of America has complied with said judgment of the Court entered as above set out by depositing in the registry of this Court the sum of $3,242.00, being the amount of said judgment and interest as decreed in said judgment; and the United States of America having made motion herein that final judgment be entered vesting the entire and unencumbered fee simple title to the tract of land hereinafter described in the United States of America.

It is therefore ordered, adjudged, and decreed by the Court that the entire and unencumbered fee simple title to the hereinafter described tract of land be vested in the United States of America and be divested out of the defendants Mrs. A. W. Mixson, and all other parties defendants herein. Said lands being described as follows:

Tract No. T-2-4

Grayson County, Texas.

All that certain tract or parcel of land lying and being in Grayson County, Texas, situated on the waters of Red River and Shawnee Creek embracing in part the following patented Surveys; Daniel Dugan, Abstract No. 328, dated January 9, 1840, Joshua B. Sharpless, Abstract No. 1092, dated December 30, 1939.

All bearings in this description are turned from the true Meridian and all distances are expressed in feet.

BEGINNING at a stake the N.W. corner of the G. L. Morrison tract, which is also the S. W. corner of this tract, from which the S. W. corner of the Daniel Dugan Survey bears S. 3° 49' E. 894.0 feet and S.86° 02' W. 2657.4 feet. DR Monument No. 111 bears N. 86° 09' 40" W. 10 238.3 feet.

THENCE S. 87° 59' E. with the division line between the property of Mrs. A. W. Mixson and G. L. Morrison 2055.3 feet to a stake in the bed of Shawnee Creek, same being the N. E. corner of the G. L. Morrison tract and the S. E. corner of this tract.

THENCE down the center of Shawnee Creek, with its meanders; N. 12° E. 246.1 feet; N. 42° 30' E. 248.0 feet; N. 9° E. 455.0 feet; N. 13° 45' E. 405.0 feet; N. 32° 15' E. 211.0 feet; N.41°45'E.405.0 feet; N.70°30'E.603.0 feet; S.73°30'E.166.0 feet; S.46°30'E.265.0 feet; N.87°30'E. 255.0 feet; N.57°30'E.209.0 feet; N.43°15'E.230.0 feet;N.59°15'E.469.0 feet; N.48°30'E.230.0 feet to the mount of Shawnee Creek at its confluence with Red River.

THENCE up the south bank of Red River, with its meanders; S. 78° 08' W. 528.9 feet; S. 86° 10' W. 1370.5 feet; S. 89° 06' W. 484.0 feet; N. 88° 22' W. 447.2 feet; N. 85° 37' W. 549.6 feet to a stake on the south bank of Red

River, same being the N. E. corner of the P. O. Brack tract and the most northern N. W. corner of this tract.

THENCE S. 2° 22' W. with the division line between the property of P. O. Brack and Mrs. A. W. Mixson 589.8 feet to a stake for corner, the S. E. corner of the P. O. Brack tract and an interior corner of this tract.

THENCE S. 77° 52' W. with the division line between the property of P. O. Brack and Mrs. A. W. Mixson 1630.8 feet to a stake for corner, same being the S. W. corner of the P. O. Brack tract and the most western N. W. corner of this tract.

THENCE S. 3° 49' E. with the division line between the property of Ralph Prater and Mrs. A. W. Mixson 1242.1 feet to the place of beginning, containing 108.49 acres, be the same more or less.

This the 23rd day of November, 1940.

Filed ___ M. Nov. 23, 1940. /s/ Randolph Bryant
Lee Simmons, Clerk U.S. Court
By Ruth B. Head, Deputy. United States District Judge
Eastern District of Texas

(SEAL) a true copy I certify.

By Ruth B. Head, Deputy.

Filed for record November 23rd, 1940 at 11' A.M.
Recorded November 27th 1940.

C. H. BARRETT, County Clerk.

By *Marjorie Owen*, Deputy.

THE STATE OF TEXAS
COUNTY OF GRAYSON Paul E. Lee, County Clerk, Grayson County, Texas, do hereby certify that the within and foregoing is a true and correct copy of CC of Condemnation Case as the same appears of record in Volume 420 Page 556 of the Deed Records of Grayson, County, Texas.

Witness my hand and seal of office at Sherman, Texas, this the 29th day of August 1980.

PAUL E. LEE, County Clerk, Grayson County, Texas

By: *Suzanne Austin* Deputy

APPENDIX B-3

(REVENUE $2.50)

527. Office Chief of Engineers.
6500 (Red R.-Denison, Res.) 156/3
Jan 8, 1940.

THE STATE OF TEXAS §
KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF GRAYSON §

That I, P. O. Brack, a widower, of the County of Grayson, State of Texas, for and in consideration of the sum of Two Thousand Forty & No/100 ($2040.00) Dollars to me, cash in hand paid by the United States of America, have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said United States of America or its assigns all that certain tract or parcel of land lying and being in Grayson County, Texas, situated on the waters of Red River, embracing in part the following patented survey: Daniel Dugan, Abstract No. 328, dated January 9, 1840; all bearings in this description are turned from the true Meridian and all distances are expressed in feet;

BEGGINING at a stake the S. W. corner of this tract, from which the S. W. corner of the Daniel Dugan Survey bears S. 3° 49' E. 2136.1 feet and S. 86° 02' W. 2657.4 feet. DR Monument No. 111 bears S. 86° 52' 10" W 10,147.5 feet;

THENCE N. 77° 52' E. with the division line between the property of P. O. Brack and Mrs. A. W. Mixson 1630.8 feet to a stake, the S. E. corner of this tract;

THENCE N. 2° 22' E. continuing with the division line between the property of P.O. Brack and Mrs. A. W. Mixson 589.9 feet to a stake on the south bank of Red River;

THENCE up the south bank of Red River, with its meanders; N.85°37'W.1125.7 feet, N.76°21'W.413.7 feet, N.86°01'W.170.1 feet to a stake, the N.E. corner of the Ralph Prater Tract, same being the N.W. corner of this tract;

THENCE S. 3° 49' with the division line between the property of P. O. Brack and Ralph Prater 1130.0 feet to the place of beginning, containing 31.73 acres, be the same more or less, including any and all interest in and to any land in the Daniel Dugan Survey in Grayson County, Texas, together with all riparian rights, including all accretion, reliction, alluvian and submerged lands.

TO HAVE AND TO HOLD the above premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said United States of America or its assigns forever and I do hereby bind myself, my heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises unto the United States of America, or its assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

Witness my hand at Denison Texas, this 28 day of December, 1939.

Witness at request of
Grantor; P. O. Brack.

Darwin Harlicht.

THE STATE OF TEXAS
COUNTY OF GRAYSON

Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared P. O. Brack, a widower, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(L.S.)

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 28th day of December, A.D. 1939. Jas. D. Buster, Notary Public in and for Grayson County, Texas.

Filed for record Feb. 6,
1940 at 4'P.M.
Recorded Feb. 8, 1940. C. H. Barrett, County Clerk

By *Mary Emma Rheary* Deputy.

THE STATE OF TEXAS
COUNTY OF GRAYSON Paul E. Lee, County Clerk, Grayson County, Texas, do hereby certify that the within and foregoing is a true and and correct copy of Warranty Deed as the same appears of record in Volume 417 Page 23 of the Deed Records of Grayson, County, Texas.

Witness my hand and seal of office at Sherman, Texas, this the 29th day of August, 1980.

PAUL E. LEE, County Clerk, Grayson, County, Texas

By /s/ Deputy
Suzanne Austin

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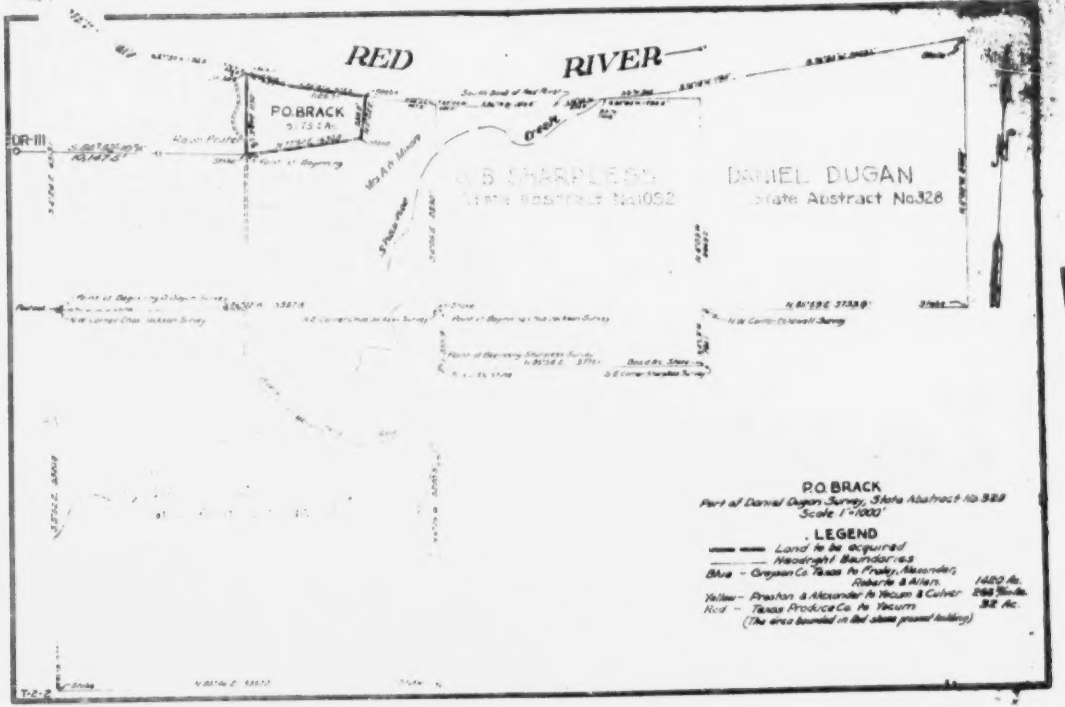
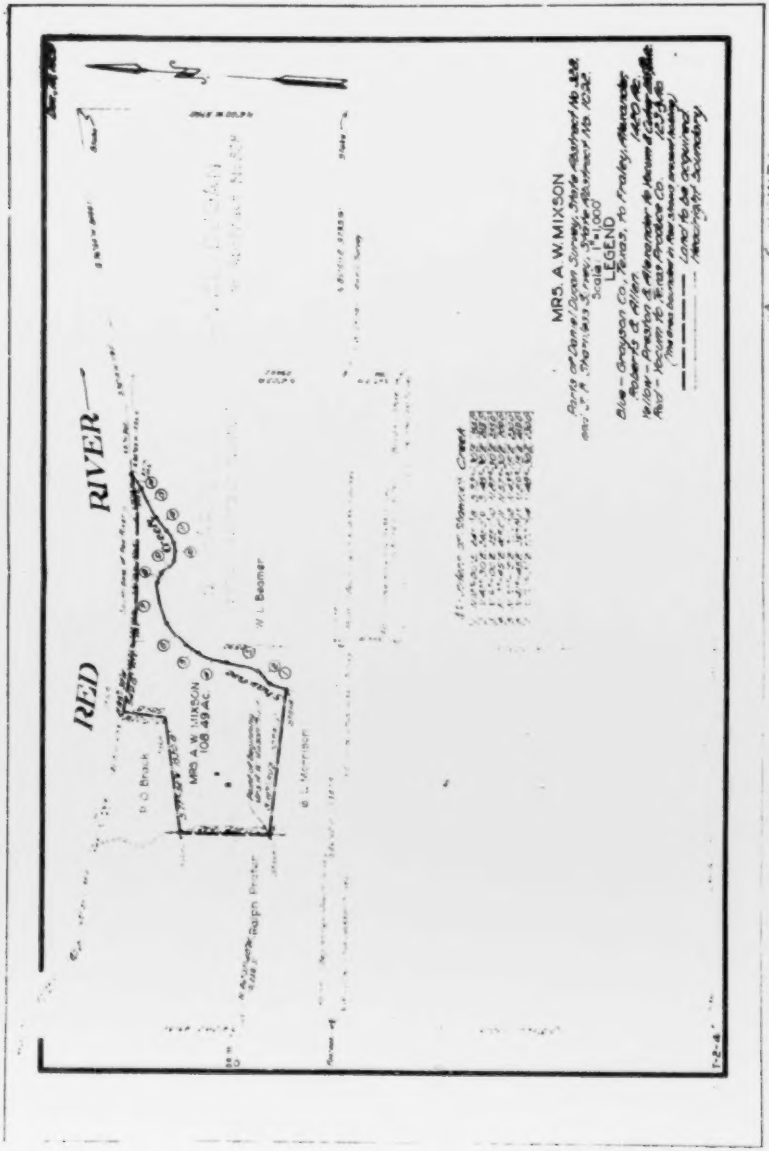
APPENDIX A-2


RED RIVER
P.O. BRACK
DANIEL DUGAN
State Abstract No.328
P.O. BRACK
Part of Daniel Dugan Survey, State Abstract No. 328
Scale 1"=1000'
LEGEND
Land to be acquired
Headright Boundaries
Blue - Grayson Co. Texas to Fraley, Alexander, Roberts & Allen. 1420 Ac.
Yellow - Preston & Alexander to Yocum & Culver 248 Ac.
Red - Texas Produce Co. to Yocum 32 Ac.
(The area bounded in red above proved holding)

"A" - 6 PRINTS

APPENDIX A-3


RED
RIVER
MRS. A. W. MIXSON
Scale 1"=1,000'
LEGEND
MRS A W MIXSON
108.49 Ac
W. L. Bonner
Ralph Parker

APPENDIX C-2

GEORGE COLLIS LAND SURVEYORS
RT. 7 BOX 123 M
McKINNEY, TEXAS 75069
542-6989
248-4288 (METRO)

November 24, 1980

The Honorable Mark White
Attorney General of Texas
P. O. Box 12548, Capitol Station
Austin, Texas 78711

The Honorable Jan Eric Cartwright
Attorney General of Oklahoma
State Capitol
Oklahoma City, Oklahoma 73105

Gentlemen:

On June 23, 1980, we were retained by your offices to make a reenactment survey on three tracts of land situated south of the Red River in the vicinity of Denison Dam in Grayson County, Texas. These tracts are known as Tract T-2-1, Tract T-2-2, and Tract T-2-4, all acquired by the United States by judgments entered during 1940 in Civil Action No. 28 in the United States District Court for the Eastern District of Texas.

We began our field survey on May 8, 1980 and continued through August 27, 1980. We found monuments along the south boundary line of lands acquired by the United States and began our reenactment survey of the three tracts. Tracts T-2-1 was found to encompass within its boundaries a portior of the Texoma Reservoir Dam (Denison Dam), its stilling basin, powerhouse,

switching station, influent structure, and spillway which we accurately located from the boundaries of Tract T-2-1.

In our survey made on the ground, when tying back to the original South Bank of the Red River, we found by the physical evidence that the northern boundaries of Tracts T-2-1, T-2-2 and T-2-4 (coinciding with the South Bank of the Red River) as established by the Corps of Engineers in its survey of 1939 were correct at the time that survey was made, which was prior to the construction of the Reservoir Dam Facility.

We also verified our survey and the descriptions of the three tracts contained in the 1940 United States acquisition judgments (which were based on the 1939 Corps of Engineers Survey) with the original field notes of the Daniel Dugan, Jr. Survey, dated January 9, 1840, the original patent of said survey from the Republic of Texas to Daniel Dugan, Jr. dated December 1, 1845, and the original field notes of the J. B. Sharpless Survey, dated December 30, 1839, and find that the South Bank of the Red River as called for in said original field notes and patent was located approximately 57.5 feet North of the South Bank as shown in our survey and in the description of the three tracts in the United States acquisition judgments.

We submit the attached plat, marked Exhibit A, showing the location of the South Bank of the Red River as it existed prior to the construction of the Texoma Reservoir Dam (Denison Dam), the actual physical location of the above mentioned structures, all being South of the original South Bank of the Red River within the State of Texas.

I, George Collis, Registered Public Surveyor No. 1764, State of Texas, do hereby certify that this survey was conducted by me upon the ground and to the best of my

knowldedge all facts presented herein are true and correct.

(seal)
State of Texas
George Collis
1764
Public Surveyor

/s/
GEORGE COLLIS

PROOF OF SERVICE

I, Justin Andrew Kever, a member of the Bar of this Court, do hereby certify that three true and correct copies of the above and foregoing Motion for Entry of Judgment by Consent of Plaintiff and Defendant have been served on each party separately represented in this proceeding by depositing the same in a United States Pose Office, with first-class postage prepaid, certified, return receipt requested, on this 28th day of May, 1981.

_____

Justin Andrew Kever